

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| Monique Jones, individually and on |) | CASE NO.1:16 CV 2805 |
| behalf of her minor son, C.H., |) | |
| Plaintiff, |) | JUDGE PATRICIA A. GAUGHAN |
| |) | |
| Vs. |) | |
| |) | |
| |) | |
| Avon Local School District Board |) | <u>Memorandum of Opinion and Order</u> |
| of Education, et al. |) | |
| Defendants. |) | |

This matter is before the Court upon Plaintiff's Motion to Postpone and Limit the Scope of Oral Examination of C.H. (Doc. 30). The motion is GRANTED in PART and DENIED in PART as set forth herein.

C.H. is a minor alleging that he was abused by defendants. Months ago, defendants requested dates for C.H.'s deposition. In response, plaintiff's counsel indicated that a full review of documents produced in discovery had not yet occurred and, as such, the deposition of C.H. should occur later. Counsel made no mention of the possibility that C.H. would not be produced. Later, on July 12, 2017, counsel for plaintiff informed defense counsel that C.H. would be

available for deposition on August 14, 2017. Again, this email made no mention of any concerns with C.H. testifying at a deposition.

On July 18, 2017, plaintiff's counsel indicated that C.H. was not able to testify due to psychological concerns. On August 2, 2017, defense counsel responded, indicating that the deposition could proceed at the office of plaintiff's counsel, and further offered to have a "conversation about things we can do to make [C.H.] more comfortable." Plaintiff did not respond to defense counsel's offer and, instead, filed a motion for a protective order a mere three days before the deposition is scheduled to proceed.

The Court has reviewed the motion and finds that, in large part, it is not well-taken. The Court ORDERS that the deposition shall proceed as scheduled at the office of plaintiff's counsel. The Court will, however, limit the deposition to three hours, excluding any time taken for reasonable breaks. In addition, C.H. will be permitted to request reasonable breaks within that three-hour time frame, provided no question is pending. The motion is DENIED in all other respects.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge
Chief Judge

Dated: 8/16/17